

**BROMBERG LAW OFFICE, P.C.**

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October 29, 2009

Via ECF

Honorable Roslynn R. Mauskopf, U.S.D.J.  
U.S. District Court, Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Miller v. Upton, Cohen & Slamowitz, L.L.P.*  
EDNY, No. 01-cv-1126(RRM)(RML)

Dear Judge Mauskopf:

As requested, I am writing to advise the Court of the status of the case.

Defendant Upton, Cohen & Slamowitz has agreed not to contest the amount of damages. In other words, an inquest is unnecessary because UCS has agreed not to challenge imposition of statutory damages in the maximum amount of \$1000. UCS has not, however, decided whether to appeal the Court's Memorandum, Decision and Order after Bench Trial dated October 5, 2009, and the parties have not agreed on attorney fees and costs.

Accordingly, the parties jointly request four weeks in which to attempt to work out attorney fees and costs and report back to the Court on our progress, if any.

Respectfully,

/s/ Brian L. Bromberg

Brian L. Bromberg

cc: Thomas A. Leghorn, Esq. (Via ECF)  
Mark K. Anesh, Esq. (Via ECF)  
Brett A. Scher, Esq. (Via ECF)

### **Certificate of Service**

I, Brian Bromberg, an attorney, hereby certify that on October 29, 2009, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Eastern District's Local Rules, and/or the Eastern District's Rules on Electronic Service upon the following parties and participants:

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Dated: October 29, 2009

/s/ Brian L. Bromberg  
Brian L. Bromberg

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